

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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EDWARD NELSON,

Plaintiff,

v.

SAFECO INSURANCE COMPANY OF
ILLINOIS,

Defendant.

2:10-cv-00241-JCM-LRL

O R D E R

Before the court is defendants' Affidavit of Fees (#30), filed pursuant to the court's November 1, 2010, Order (#25) requiring plaintiff to pay the reasonable attorney's fees incurred by defendant in bringing its Motion to Compel Supplemental Discovery (#20), Notice of Non-Opposition (#21), and Reply (#23). The court also has considered plaintiff's Response to Defendants' Affidavit of Fees (#32).

In LR 54-16(b)(3), the District of Nevada has set forth the factors to consider in awarding attorney's fees. These factors are the same as those set forth by the Ninth Circuit in *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 70 (9th Cir. 1975). Both allow the court to consider, among other things, (1) the time and labor required, (2) the skill requisite to properly perform legal services, and (3) the novelty and difficulty of questions presented.

Defendants request attorneys' fees in the amount of \$3,253.50, representing 14.5 hours spent preparing the motion, notice of non-opposition, and reply. Three attorneys performed billable work on the matter: Teegan M. Machnich claims 9.1 hours of work at a rate of \$185.00 per hour; Chad R. Fears claims 3.7 hours of work at a rate of \$275.00 per hour; and Amy M. Samberg claims 1.7 hours of work at a rate of \$325.00 per hour.

1 The court finds that the attorneys' fees requested are excessive. The motion, non-opposition,
2 and reply involved neither novel nor difficult issues of law. This was a relatively routine motion
3 seeking to compel supplemental discovery pursuant to Rules 26(e), 37(a), and 37(c). The court will
4 order plaintiff to pay the sum of \$1,902.50 as the reasonable attorneys' fees incurred by defendants in
5 bringing the Motion (#20), Notice of Non-Opposition (#21), and Reply (#23).

6 Accordingly, and for good cause shown,

7 IT IS ORDERED that defendant's Motion to Compel Supplementary Discovery (#20) is further
8 GRANTED to the extent that plaintiff shall, not later than March 14, 2011, pay to counsel for defendant
9 the sum of \$1,902.50 as the reasonable attorneys' fees incurred by defendants in bringing the Motion
10 (#20), Notice of Non-Opposition (#21), and Reply (#23).

11 DATED this 1st day of February, 2011.

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14 **LAWRENCE R. LEAVITT**
15 **UNITED STATES MAGISTRATE JUDGE**
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